
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
KM Television of Iowa, LLC)	File No.: EB-FIELDSCR-14-00017066
Owner of Antenna Structure No. 1062919)	
)	NOV No.: V201432560010
)	
West Branch, IA)	

NOTICE OF VIOLATION

Released: September 18, 2014

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to KM Television of Iowa, LLC, owner of antenna structure number 1062919 in West Branch, Iowa (Antenna Structure). Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. In response to a complaint regarding a 1000+ foot tall tower that had been unlit for several years, the Enforcement Bureau's Kansas City Office initiated an investigation and observed the following violation:

- a. 47 C.F.R. § 17.56(a): "Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable." KM Television admitted in response to an LOI that: (1) Antenna Structure lighting outages began in 2007; (2) some repairs were made in 2007 but that all of the lights were not repaired at that time; (3) it had been notifying the Federal Aviation Administration of the light outage every two weeks since then; (4) ten out of 13 lights on the Antenna Structure (all but three lights on the second and fourth tiers of the structure) were inoperable; and (5) the Antenna Structure has been inspected and it is waiting to receive proposals for repair work. Thus, KM Television has failed to repair antenna structure lighting for over six and a half years. KM Television

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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asserted that it had experienced financial difficulties over the past several years.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, KM Television of Iowa, LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). If submitting a time line for completion of any lighting repairs, KM Television of Iowa, LLC must be cognizant that repairs must be made as soon as practicable. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct KM Television of Iowa, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of KM Television of Iowa, LLC with personal knowledge of the representations provided in KM Television of Iowa, LLC's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in KM Television of Iowa, LLC possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Kansas City Office
520 NE Colbern Rd., 2nd Floor
Lee's Summit, MO 64086

6. This Notice shall be sent to KM Television of Iowa, LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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Ronald D. Ramage
District Director
Kansas City Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).